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Advancement of women

Belarus, Benin, Bolivia (Plurinational State of), Burundi, Chile, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guatemala, Guinea, Honduras, Indonesia, Namibia, Nicaragua, Nigeria, Paraguay, Peru, Philippines, Senegal, Sri Lanka, Timor-Leste, Uganda, Zambia and Zimbabwe: revised draft resolution

Violence against migrant women workers

The General Assembly,

Recalling all of its previous resolutions on violence against women migrant workers and those adopted by the Commission on the Status of Women, the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, and the Declaration on the Elimination of Violence against Women,[1]

Reaffirming the provisions concerning women migrant workers contained in the outcome documents of the World Conference on Human Rights,[2] the International Conference on Population and Development,[3] the Fourth World Conference on Women[4] and the World Summit for Social Development[5] and their reviews,

Noting with appreciation the various activities initiated by entities of the United Nations system, such as the Regional Programme on Empowering Women Migrant Workers in Asia of the United Nations Development Fund for Women, the high-level panel discussion on the gender dimensions of international migration held by the Commission on the Status of Women at its fiftieth session, the discussions

[1] See resolution 48/104.

[2] A/CONF.157/24 (Part I), chap. III.

[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[5] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

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held by the Commission at its fifty-third session, during which it recognized the particular situation of women migrant domestic workers of all ages, and the general discussion on migrant domestic workers held by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families at its eleventh session, and noting the contribution of the International Labour Organization through the development of a Multilateral Framework on Labour Migration, as well as other activities through which the plight of women migrant workers continues to be assessed and alleviated,

Recalling the discussions during the High-level Dialogue on International Migration and Development, held on 14 and 15 September 2006, which recognized, inter alia, the need for special protection for migrant women,

Taking note with appreciation of the *Human Development Report 2009* of the United Nations Development Programme, entitled "Overcoming barriers: Human mobility and development",[6] which discussed, inter alia, the need to protect women migrant workers from abuse, exploitation and violence,

Noting the decision of the Governing Body of the International Labour Organization to discuss the issue of decent work for domestic workers at the ninety-ninth session of the International Labour Conference in June 2010,

Recognizing the increasing participation of women in international migration, driven in large part by socio-economic factors, and that this feminization of migration requires greater gender sensitivity in all policies and efforts related to the subject of international migration,

Stressing the shared responsibility of all stakeholders, in particular countries of origin, transit and destination, relevant regional and international organizations, the private sector and civil society, in promoting an environment that prevents and addresses violence against women migrant workers, and, in this regard, recognizing the importance of joint and collaborative approaches and strategies at the national, bilateral, regional and international levels,

Recognizing that women migrant workers are important contributors to social and economic development, and underlining the value and dignity of their labour, including the labour of domestic workers,

Acknowledging the contribution that women migrant workers make to development through the economic benefits that accrue to both the country of origin and the country of destination,

Recognizing the particular vulnerability of women and their children at all stages of the migration process, extending from the moment of deciding to migrate, and including transit, engagement in formal and informal employment, and integration into the host society, as well as during their return to their countries of origin,

Expressing deep concern at the continuing reports of grave abuses and violence committed against migrant women and girls, including gender-based violence, in particular sexual violence, trafficking, domestic and family violence, racist and xenophobic acts, abusive labour practices and exploitative conditions of work,

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[6] Available from http://hdr.undp.org.

Recognizing that the intersection of, inter alia, gender, age, class and ethnic discrimination and stereotypes can compound the discrimination faced by women migrant workers,

Reaffirming the commitment to protect and promote the human rights of all women, including, without discrimination, indigenous women who migrate for work, and in this regard noting the attention paid in the United Nations Declaration on the Rights of Indigenous Peoples[7] to the elimination of all forms of violence and discrimination against indigenous women, as appropriate,

Concerned that many migrant women who are employed in the informal economy and in less skilled work are especially vulnerable to abuse and exploitation, underlining in this regard the obligation of States to protect the human rights of migrants so as to prevent abuse and exploitation, and observing with concern that many women migrant workers take on jobs for which they may be overqualified and, at the same time, in which they may be more vulnerable because of poor pay and inadequate social protection,

Emphasizing the need for objective, comprehensive and broad-based information, including sex- and age-disaggregated data and statistics, and gender-sensitive indicators for research and analysis, and a wide exchange of experience and lessons learned by individual Member States and civil society in the formulation of policies and concrete strategies to address the problem of violence against women migrant workers,

Realizing that the movement of a significant number of women migrant workers may be facilitated and made possible by means of fraudulent or irregular documentation and sham marriages with the object of migration, that this may be facilitated through, among other things, the Internet, and that those women migrant workers are more vulnerable to abuse and exploitation,

Recognizing the importance of exploring the link between migration and trafficking in order to further efforts towards protecting women migrant workers from violence, discrimination, exploitation and abuse,

Encouraged by some measures adopted by some countries of destination to alleviate the plight of women migrant workers residing in their areas of jurisdiction, such as the establishment of protection mechanisms for migrant workers, facilitating their access to mechanisms for reporting complaints, or providing assistance during legal proceedings,

Underlining the important role of relevant United Nations treaty bodies in monitoring the implementation of human rights conventions and the relevant special procedures, within their respective mandates, in addressing the problem of violence against women migrant workers and in protecting and promoting their human rights and welfare,

1. *Takes note with appreciation* of the report of the Secretary-General;[8]

2. *Encourages* Member States to consider signing and ratifying or acceding to relevant International Labour Organization conventions and to consider signing and ratifying or acceding to the International Convention on the Protection of the

[7] Resolution 61/295, annex.

[8] A/64/152.

Rights of All Migrant Workers and Members of Their Families,[9] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[10] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[11] as well as all human rights treaties that contribute to the protection of the rights of women migrant workers;

3. *Takes note* of the report of the Special Rapporteur of the Human Rights Council on violence against women, its causes and consequences, entitled "Political economy of women's human rights", submitted to the Council at its eleventh session,[12] in particular her elaboration in this report of the current issues of exploitation and violence that women migrants face in the context of the current global economic trends and crises;

4. *Encourages* all United Nations special rapporteurs on human rights whose mandates touch on the issues of violence against women migrant workers to improve the collection of information on and analysis of the current challenges facing women migrant workers, and also encourages Governments to cooperate with the special rapporteurs in this regard;

5. *Calls upon* all Governments to incorporate a human rights and gender perspective in legislation and policies on international migration and on labour and employment, consistent with their obligations under agreed international human rights instruments, for the prevention and protection of migrant women from violence and discrimination, exploitation and abuse, and to take effective measures to ensure that such migration and labour policies do not reinforce discrimination and bias against women;

6. *Also calls upon* Governments to adopt or strengthen measures to protect the human rights of women migrant workers, regardless of their immigration status, including in policies that regulate the recruitment and deployment of women migrant workers, and to consider expanding dialogue among States on devising innovative methods to promote legal channels of migration, inter alia, in order to deter illegal migration;

7. *Urges* Governments to enhance bilateral, regional, interregional and international cooperation to address violence against women migrant workers, fully respecting international law, including international human rights law, as well as to strengthen efforts in reducing the vulnerability of women migrant workers, including by fostering sustainable development alternatives to migration in countries of origin;

8. *Also urges* Governments to take into account the best interests of the child, adopting or strengthening measures to promote and protect the human rights of migrant girls, including unaccompanied girls, regardless of their immigration status, to prevent their labour and economic exploitation, discrimination, sexual harassment, violence and sexual abuse in the workplace, including domestic work;

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[9] United Nations, *Treaty Series*, vol. 2220, No. 39481.

[10] Ibid., vol. 2237, No. 39574.

[11] Ibid., vol. 2241, No. 39574.

[12] A/HRC/11/6.

9. *Further urges* Governments, in cooperation with international organizations, civil society, including non-governmental organizations, and the private sector, to strengthen the focus on and funding support for the prevention of violence against women migrant workers, in particular by promoting the access of women to meaningful and gender-sensitive information and education on, inter alia, the costs and benefits of migration, rights and benefits to which they are entitled in the countries of origin and employment, overall conditions in countries of employment and procedures for legal migration, as well as to ensure that laws and policies governing recruiters, employers and intermediaries promote adherence to and respect for the human rights of migrant workers, particularly women;

10. *Encourages* all States to remove obstacles that may prevent the transparent, safe, unrestricted and expeditious transfer of remittances of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede women migrant workers' access to and management of their economic resources;

11. *Calls upon* Governments to recognize the right of women migrant workers, regardless of immigration status, to have access to emergency health care and, in this regard, to ensure that women migrant workers are not discriminated against on the grounds of pregnancy and childbirth;

12. *Urges* States that have not yet done so to adopt and implement legislation and policies that protect all women migrant domestic workers, and to grant women migrant workers in domestic service access to transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish women migrant workers, and calls upon States to promptly investigate and punish all violations;

13. *Calls upon* Governments, in cooperation with international organizations, non-governmental organizations, the private sector and other stakeholders, to provide women migrant workers who are victims of violence with the full range of immediate assistance and protection, such as access to counselling, legal and consular assistance and temporary shelter, as well as mechanisms to allow the views and concerns of victims to be presented and considered at appropriate stages of proceedings, including other measures that will allow victims to be present during the judicial process, to the extent possible, as well as to establish reintegration and rehabilitation schemes for returning women migrant workers;

14. *Also calls upon* Governments, in particular those of the countries of origin and destination, to put in place penal and criminal sanctions to punish perpetrators and intermediaries of violence against women migrant workers, and redress and justice mechanisms that victims can access effectively, as well as to ensure that migrant women victims of violence do not suffer from re-victimization, including by authorities;

15. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of women migrant workers and to take action to prevent and punish any form of illegal deprivation of the liberty of women migrant workers by individuals or groups;

16. *Encourages* Governments to formulate and implement training programmes for their law enforcers, immigration officers and border officials,

diplomatic and consular officials, prosecutors and service providers with a view to sensitizing those public-sector workers to the issue of violence against women migrant workers and imparting to them the necessary skills and attitude to ensure the delivery of proper, professional and gender-sensitive interventions;

17. *Calls upon* States, in accordance with the provisions of article 36 of the Vienna Convention on Consular Relations,[13] if a woman migrant worker is arrested or committed to prison or custody pending trial, or is detained in any other manner, to direct the competent authorities within their jurisdiction to inform her of her rights in this regard and, if she so requests, to inform without delay the consular post of the State of origin of the woman migrant worker;

18. *Invites* Governments, the United Nations system and other concerned intergovernmental and non-governmental organizations to cooperate towards a better understanding of the issues concerning women and international migration, and to improve the collection, dissemination and analysis of sex- and age-disaggregated data and information in order to assist in the formulation of migration and labour policies that are, inter alia, gender-sensitive and that protect human rights, as well as to aid in policy assessment;

19. *Encourages* concerned Governments, in particular those of the countries of origin, transit and destination, to avail themselves of the expertise of the United Nations, including the Statistics Division of the Secretariat, the United Nations Development Fund for Women and the International Research and Training Institute for the Advancement of Women, to develop appropriate national data-collection and analysis methodologies that will generate comparable data and tracking and reporting systems on violence against women migrant workers;

20. *Notes with appreciation* the elaboration and adoption by the Committee on the Elimination of Discrimination against Women of general recommendation No. 26, on women migrant workers,[14] and calls upon States parties to the Convention on the Elimination of All Forms of Discrimination against Women to consider the recommendation;

21. *Requests* the Secretary-General to report to the General Assembly at its sixty-sixth session on the problem of violence against women migrant workers and on the implementation of the present resolution, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization, the United Nations Development Programme, the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women and the United Nations Office on Drugs and Crime, as well as the reports of the special rapporteurs, which refer to the situation of women migrant workers, and other relevant sources, such as the International Organization for Migration, including non-governmental organizations.

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[13] United Nations, *Treaty Series*, vol. 596, No. 8638.

[14] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 38* (A/64/38), annex I.